

REMARKS

Claims 1-36 are pending and at issue in the application with claims 1, 7, 16, 22, 24, 26 and 32 being independent claims. Claims 7, 22 and 24 have been amended. As a result, 7 independent claims now exist in the application as compared to the 4 independent claims previously paid for, and 36 total claims remained in the application as previously paid for. A check in the amount of \$258.00 has been enclosed to cover the fee for consideration of 3 additional independent claims. However, the Commissioner is hereby authorized to charge any deficiency in the amount enclosed or any additional fees which may be required under 37 CFR 1.16 or 1.17 to Deposit Account No. 13-2855. Reconsideration and withdrawal of the rejections in view of the remarks below is respectfully requested.

Claims 7, 8, 22 and 24 were objected to as being dependent upon a rejected base claim, but were indicated as being allowable if rewritten in independent form. Claims 7, 22 and 24 have been amended to be independent, including all the limitations of their base claim and all intervening claims. As a result, Applicants submit that each of claims 7, 8, 22 and 24 is in condition for allowance.

Each of claims 1-36 recites a system or method for sending probe messages to detect the presence of devices located on a bus that selects a plurality of device addresses to which a probe message will be sent from among address lists. An address list contains a set of device addresses, and another address list contains a set of addresses reserved for communication control devices.

APPLICANTS' INTERVIEW SUMMARY

On September 22, 2004, the Applicants' attorney Aaron M. Peters (Reg. No. 48,801) conducted a telephonic interview with Examiner Niketa I. Patel in which independent claims 1, 16, 26 and 32 were discussed. During that interview Examiner Patel indicated that the rejections against claims 1, 16, 26 and 32, and all claims dependent thereon, would be withdrawn based on remarks presented during the interview.

The Examiner agreed during the interview that Perreault et al. (U.S. Pat. No. 5,793,307) does not disclose or suggest an address list containing addresses reserved for communication control devices. While Meyer et al. discloses a primary station (10) which includes a database containing a list of active secondary stations (38), a database containing a list of unresponsive secondary stations (42), and a database containing a list of idle secondary stations (44) (Col. 6, ll. 30-57; Col. 8, ll. 48-62), the secondary stations are not communication control devices. As such, the primary station does not maintain a list of addresses reserved for communication control devices.

In particular, the Examiner agreed that secondary stations (12, 14, 16) were not communication control devices. The primary, or master, station of Perreault et al. controls the access of the secondary, or slave, stations on a transmission medium. (Col. 5, ln. 66 to col. 6, ln. 5). The secondary stations do not control communication on the transmission medium. Although the primary station includes different databases of secondary stations (i.e., active, unresponsive and idle secondary stations), none of these databases contain addresses reserved for communication control devices because the secondary stations are not communication control devices. As such, the Examiner and the Applicants' attorney agreed that Perreault et al. does not disclose or suggest a list of addresses reserved for communication control devices as recited by claims 1-36.

The Applicants gratefully appreciate the Examiner's indicated withdrawal of the rejections, and respectfully submit that the application is in condition for allowance. Although the Examiner indicated during the interview that an updated search may be conducted for references published after the date of the Office action, the Applicants respectfully refer the examiner to MPEP 706.07 which reads:

“[t]o bring the prosecution to as speedy conclusion as possible and at the same time to deal justly by both the applicant and the public, the invention as

disclosed and claimed should be thoroughly searched in the first action and the references fully applied; ... Switching ... from one set of references to another by the examiner in rejecting in successive actions claims of substantially the same subject matter, will alike tend to defeat attaining the goal of reaching a clearly defined issue for an early termination, i.e., either an allowance of the application or a final rejection. ... [I]t is to the interest of the applicants as a class as well as to that of the public that prosecution of an application be confined to as few actions as is consistent with a thorough consideration of its merits."

The Applicants respectfully point out that the claims are of substantially the same subject matter as originally filed. Only depended claims 7, 22 and 24 have been amended and rewritten in independent form based on the Examiner's suggestion. As such, the Applicants believe no further search is necessary and submit that independent claims 1, 7, 16, 22, 24, 26 and 32 are in allowable form. Further, dependent claims 2-6, 8-15, 17-21, 23, 25, 27-31 and 33-36, which are dependent upon the aforementioned independent claims are also submitted to be in allowable form. Should the Examiner wish to discuss the foregoing, or any matter of form, in an effort to advance this application towards allowance, the Examiner is urged to telephone the undersigned at the indicated number.

Respectfully submitted,

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By: _____

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